

53A-1a-805 Eligible private schools.

- (1) To be eligible to enroll a scholarship student, a private school shall:
 - (a) have a physical location in Utah where the scholarship students attend classes and have direct contact with the school's teachers;
 - (b) contract with an independent certified public accountant to perform the agreed upon procedures specified in Subsection (2) and produce a report of the results which shall be submitted to the board at the times specified in Subsection (2);
 - (c) comply with the antidiscrimination provisions of 42 U.S.C. Sec. 2000d;
 - (d) meet state and local health and safety laws and codes;
 - (e) disclose to the parent of each prospective student, before the student is enrolled, the special education services that will be provided to the student, if any, including the cost of those services;
 - (f)
 - (i) annually assess the achievement of each student by administering:
 - (A) a norm-referenced test scored by an independent party that provides a comparison of the student's academic performance to other students on a national basis; or
 - (B) an alternative assessment of the student's achievement, if the student:
 - (I) has a disability or limited English proficiency; and
 - (II) would be exempt from taking a nationally norm-referenced achievement test if enrolled in a Utah public school;
 - (ii) report the test results to the student's parents; and
 - (iii) upon request, make test results available to other persons, in a manner that does not reveal the identity of any student;
 - (g) employ or contract with teachers who have completed a criminal background check that complies with the requirements of Section 53A-3-410 and:
 - (i) hold baccalaureate or higher degrees; or
 - (ii) have special skills, knowledge, or expertise that qualifies them to provide instruction in the subjects taught;
 - (h) provide to parents the teaching credentials of the school's teachers; and
 - (i) provide, upon request to any person, a statement indicating which, if any, organizations have accredited the private school.
- (2)
 - (a) The agreed upon procedures to be performed pursuant to Subsection (1)(b) are as follows:
 - (i)
 - (A) determine that working capital is at least 80% of average quarterly expenditures by taking total expenditures for a year and dividing it by four and then dividing average quarterly expenditures into working capital; and
 - (B) for a school in the first year of operations, use the estimated budget to estimate average quarterly expenditures;
 - (ii)
 - (A) determine that scholarship payments are accounted for separately and reconciled to student records; and
 - (B) for the first year of operations, determine that procedures are in place for this accounting; and
 - (iii)
 - (A) determine that expenditure of scholarship funds have been made for education expenses and is consistent with other tuition expenditures; and
 - (B) for the first year of operations, determine that procedures are in place for this accounting.

- (b)
 - (i) The independent certified public accountant's report on the agreed upon procedures specified in Subsection (2)(a) shall be submitted to the board when the private school applies to accept scholarship students and every four years thereafter, except as provided in Subsection (2)(b)(ii).
 - (ii) The board may, by rule, delay the date when the independent certified public accountant's report shall be submitted for private schools applying to accept scholarship students in the 2007-08 school year.
- (3) The following are not eligible to enroll scholarship students:
 - (a) a school with an enrollment of fewer than 40 students;
 - (b) a school that operates in a residence;
 - (c) a school that encourages illegal conduct; or
 - (d) a residential treatment facility licensed by the state.
- (4)
 - (a) Except as provided in Subsection (4)(b), a private school intending to enroll scholarship students shall submit an application to the board by April 1 of the school year preceding the school year in which it intends to enroll scholarship students.
 - (b) A private school intending to enroll scholarship students in the 2007-08 school year shall submit an application by June 15, 2007.
- (5) The board shall:
 - (a) approve a private school's application to enroll scholarship students if the private school meets the eligibility requirements of this section; and
 - (b) make available to the public a list of the eligible private schools:
 - (i) for the 2008-09 school year and each school year thereafter, by the April 30 preceding the school year; and
 - (ii) for the 2007-08 school year, by July 1, 2007.

Enacted by Chapter 30, 2007 General Session